

SEDGWICK LLP

Martin J. Healy
Atty. ID No. 71133
Three Gateway Center, 12th Floor
Newark, New Jersey 07102-4072
Tel: (973) 242-0002
Fax: (973) 242-8099

SAUL EWING LLP

Paul M. Hummer
Amy L. Piccola
Atty ID Nos. 46413, 208888
1500 Market Street, 38th Floor
Philadelphia, PA 19102
Tel: (215) 972-7788
Fax: (215) 972-1851

*Attorneys for Defendant
Swiss Re International SE*

SAP AMERICA, INC., ET AL

Plaintiffs,

v.

SWISS RE INTERNATIONAL SE
(F/K/A/ SR INTERNATIONAL
BUSINESS INSURANCE
COMPANY LTD.),

Defendant.

IN THE COURT OF COMMON PLEAS
DELAWARE COUNTY

No. 12-6174

NOTICE OF FILING OF NOTICE OF REMOVAL

TO: The Office of Judicial Support
Court of Common Pleas of Delaware County
Government Center, Room 126
Media, PA 19063

Consistent with 28 U.S.C. § 1446(d), kindly take Notice that Swiss Re International SE
has filed a Notice of Removal for the above-captioned action in the United States District Court

8/21/2012

2012 AUG 20 PM 1:12

0710
JUL 20 12
12:00 PM

SHERIFF'S DEPARTMENT

DELAWARE COUNTY

201 WEST FRONT STREET, MEDIA, PENNSYLVANIA 19063 (610) 891-4296

MURPHY
8/16SHERIFF SERVICE
PROCESS RECEIPT, and AFFIDAVIT OF RETURN

INSTRUCTIONS FOR SERVICE OF PROCESS: You must file one instruction sheet for each defendant. Please type. Do Not detach any copies.

1. PLAINTIFF/S/ <i>PNC mortgage et al</i>	2. COURT NUMBER <i>12-6717</i>
3. DEFENDANT/S/ <i>Pleasant Hailey and/or Tenant/Occupant</i>	4. TYPE OF WRIT OR COMPLAINT <i>Ejectment</i>
5. NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC., TO SERVICE <i>Tenant/Occupant</i>	
6. ADDRESS (Street or RFD, Apartment No., City, Boro, Twp., State and ZIP Code) <i>1128 Mulberry Street, Brookhaven, PA 19015</i>	
7. INDICATE UNUSUAL SERVICE: <input type="checkbox"/> REG MAIL <input type="checkbox"/> DEPUTIZE <input type="checkbox"/> POST <input type="checkbox"/> OTHER	

Now, 20, I, SHERIFF OF DELAWARE COUNTY, PA., do hereby deputize the Sheriff of County to execute this Writ and make return thereof according to law. This deputation being made at the request and risk of the plaintiff.

8. SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE

SHERIFF OF DELAWARE COUNTY

Deputy Sheriff

Invoice No.

254710

Amount Pd.

67.70

Docket #

Page

2 copies

NOTE ONLY APPLICABLE ON WRIT OF EXECUTION: N.B. WAIVER OF WATCHMAN — Any deputy sheriff levying upon or attaching any property under within writ may leave same without a watchman, in custody of whomever is found in possession, after notifying person of levy or attachment, without liability on the part of such deputy or the sheriff to any plaintiff herein for any loss, destruction or removal of any such property before sheriff's sale thereof.

9. PRINT/TYPE NAME AND ADDRESS OF ATTORNEY/ORIGINATOR

10. TELEPHONE NUMBER

11. DATE

Louis P. Vitt, Esquire
213 Fourth Avenue
Pittsburgh, PA 15222

412-882-1725

8-1-12

12. SIGNATURE

[Signature]

SPACE BELOW FOR USE OF SHERIFF ONLY — DO NOT WRITE BELOW THIS LINE

13. I acknowledge receipt of the writ or complaint as indicated above	SIGNATURE of Authorized DCSD Deputy or Clerk and Title	14. Date Filed	15. Expiration/Hearing date
	<i>[Signature]</i>	<i>8/6/12</i>	<i>30 days</i>
16. Served and made known to <i>Tenant/Occupant</i> on the <i>10</i> day of <i>Aug</i> 20 <i>12</i> at <i>1242</i> o'clock, <i>P</i> M., at <i>ABOVE ADDRESS</i> Street, County of Delaware.			
Commonwealth of Pennsylvania, in the manner described below:			
<input type="checkbox"/> Defendant(s) personally served. <input type="checkbox"/> Adult family member with whom said Defendant(s) reside(s). Relationship is <input checked="" type="checkbox"/> Adult in charge of Defendant's residence. <input type="checkbox"/> Manager/Clerk of place of lodging in which Defendant(s) reside(s). <input type="checkbox"/> Agent or person in charge of Defendant's office or usual place of business. <input type="checkbox"/> Posted <input type="checkbox"/> Other			

On the _____ day of _____, 20____, at _____ o'clock, _____ M.
 Defendant not found because:
☐ Moved ☐ Unknown ☐ No Answer ☐ Vacant ☐ Other _____

REMARKS:

RETURNED:

17. AFFIRMED and subscribed to before me this _____	SO ANSWER.	
20. day of _____ 20____	18. Signature of Dep Sheriff <i>[Signature]</i>	19. Date <i>8-10-12</i>
23. _____ Notary Public	21. Signature of Sheriff <i>[Signature]</i>	22. Date <i>8-13-12</i>
JOSEPH F. McGINN, SHERIFF OF DELAWARE COUNTY		
24. I ACKNOWLEDGE RECEIPT OF THE SHERIFF'S RETURN SIGNATURE OF AUTHORIZED ISSUING AUTHORITY AND TITLE	25. Date Received	

SHERIFF'S DEPARTMENT

DELAWARE COUNTY

201 WEST FRONT STREET, MEDIA, PENNSYLVANIA 19063 (610) 891-4296

MURPHY
8/10SHERIFF SERVICE
PROCESS RECEIPT, and AFFIDAVIT OF RETURN

INSTRUCTIONS FOR SERVICE OF PROCESS: You must file one instruction sheet for each defendant. Please type. Do Not detach any copies.

1 PLAINTIFF/S/ <i>PNC Mortgage et al</i>	2 COURT NUMBER <i>12-6714</i>
3 DEFENDANT/S/ <i>Pleasant Hailey and/or Tenant/Occupant</i>	4 TYPE OF WRIT OR COMPLAINT <i>Ejectment</i>
5 NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC. TO SERVICE <i>Pleasant L. Hailey Jr.</i>	
6 ADDRESS (Street or RFD, Apartment No., City, Boro, Twp., State and ZIP Code) <i>1128 mulberry street, Brookhaven, PA 19015</i>	
7. INDICATE UNUSUAL SERVICE: <input type="checkbox"/> REG MAIL <input type="checkbox"/> DEPUTIZE <input type="checkbox"/> POST <input type="checkbox"/> OTHER	

SERVE
AT

Now, 20, I, SHERIFF OF DELAWARE COUNTY, PA., do hereby deputize the Sheriff of County to execute this Writ and make return thereof according to law. This deputation being made at the request and risk of the plaintiff.

8. SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE

SHERIFF OF DELAWARE COUNTY

Deputy Sheriff

Invoice No. *254710*
Amount Pd.
Docket # *6-1.70*
Page

2 COPIES

NOTE ONLY APPLICABLE ON WRIT OF EXECUTION: N.B. WAIVER OF WATCHMAN — Any deputy sheriff levying upon or attaching any property under within writ may leave same without a watchman, in custody of whomever is found in possession, after notifying person of levy or attachment, without liability on the part of such deputy or the sheriff to any plaintiff herein for any loss, destruction or removal of any such property before sheriff's sale thereof.

9. PRINT/TYPE NAME AND ADDRESS OF ATTORNEY/ORIGINATOR

10. TELEPHONE NUMBER

11. DATE

Louis P. Vitti, Esquire
215 Fourth Avenue
Pittsburgh, PA 15222

412/281-1725

8-1-12

12. SIGNATURE

[Signature]

SPACE BELOW FOR USE OF SHERIFF ONLY — DO NOT WRITE BELOW THIS LINE

13. I acknowledge receipt of the writ or complaint as indicated above	SIGNATURE of Authorized DCSD Deputy or Clerk and Title	14. Date Filed	15. Expiration/Hearing date
	<i>[Signature]</i>	<i>8/6/12</i>	<i>30 days</i>
TO BE COMPLETED BY SHERIFF			
16. Served and made known to <i>Pleasant L. Hailey Jr.</i> Defendant(s)			
on the <i>10</i> day of <i>Aug</i> , 20 <i>12</i> , at <i>1242</i> o'clock, <i>P</i> M.,			
at <i>ABOVE Address</i> Street, County of Delaware,			
Commonwealth of Pennsylvania, in the manner described below:			
<input checked="" type="checkbox"/> Defendant(s) personally served.			
<input type="checkbox"/> Adult family member with whom said Defendant(s) reside(s). Relationship is			
<input type="checkbox"/> Adult in charge of Defendant's residence.			
<input type="checkbox"/> Manager/Clerk of place of lodging in which Defendant(s) reside(s).			
<input type="checkbox"/> Agent or person in charge of Defendant's office or usual place of business.			
<input type="checkbox"/> Posted			
<input type="checkbox"/> Other			

On the _____ day of _____, 20____, at _____ o'clock, _____ M.
Defendant not found because:
☐ Moved ☐ Unknown ☐ No Answer ☐ Vacant ☐ Other

REMARKS:

RETURNED:

17. AFFIRMED and subscribed to before me this _____	SO ANSWER.	
20 day of _____ 20____	18. Signature of Dep Sheriff <i>[Signature]</i>	19. Date <i>8-10-12</i>
23. _____ Notary Public	21. Signature of Sheriff <i>[Signature]</i>	22. Date <i>8-13-12</i>
JOSEPH F. MCGINN, SHERIFF OF DELAWARE COUNTY		
MY COMMISSION EXPIRES _____	25. Date Received _____	
24. I ACKNOWLEDGE RECEIPT OF THE SHERIFF'S RETURN SIGNATURE OF AUTHORIZED ISSUING AUTHORITY AND TITLE		

Supreme Court of Pennsylvania

Court of Common Pleas
Civil Cover SheetDelaware

County

For Prothonotary Use Only:

Docket No:

12 6714

2012 AUG -6 AM 11:37

The information collected on this form is used solely for court administration purposes. This form does not supplement or replace the filing and service of pleadings or other papers as required by law or rules of court.

OFFICE OF
JUDICIAL SUPPORT
DELAWARE CO. PA.

Commencement of Action:

- ☒ Complaint ☐ Writ of Summons ☐ Petition
☐ Transfer from Another Jurisdiction ☐ Declaration of Taking

Lead Plaintiff's Name:

PNC Mortgage et al

Lead Defendant's Name:

Pleasant L. Hailey et alAre money damages requested? ☐ Yes ☒ NoDollar Amount Requested: ☐ within arbitration limits
(check one) ☐ outside arbitration limitsIs this a Class Action Suit? ☐ Yes ☒ NoIs this an MDJ Appeal? ☐ Yes ☒ No

Name of Plaintiff/Appellant's Attorney: _____

☐ Check here if you have no attorney (are a Self-Represented [Pro Se] Litigant)

Nature of the Case: Place an "X" to the left of the ONE case category that most accurately describes your **PRIMARY CASE**. If you are making more than one type of claim, check the one that you consider most important.

TORT (do not include Mass Tort)

- ☐ Intentional
☐ Malicious Prosecution
☐ Motor Vehicle
☐ Nuisance
☐ Premises Liability
☐ Product Liability (does not include mass tort)
☐ Slander/Libel/ Defamation
☐ Other: _____

CONTRACT (do not include Judgments)

- ☐ Buyer Plaintiff
☐ Debt Collection: Credit Card
☐ Debt Collection: Other _____

- ☐ Employment Dispute: Discrimination
☐ Employment Dispute: Other _____

☐ Other: _____**CIVIL APPEALS**

- Administrative Agencies
☐ Board of Assessment
☐ Board of Elections
☐ Dept. of Transportation
☐ Statutory Appeal: Other _____

☐ Zoning Board☐ Other: _____**MASS TORT**

- ☐ Asbestos
☐ Tobacco
☐ Toxic Tort - DES
☐ Toxic Tort - Implant
☐ Toxic Waste
☐ Other: _____

REAL PROPERTY

- ☒ Ejectment
☐ Eminent Domain/Condemnation
☐ Ground Rent
☐ Landlord/Tenant Dispute
☐ Mortgage Foreclosure: Residential
☐ Mortgage Foreclosure: Commercial
☐ Partition
☐ Quiet Title
☐ Other: _____

MISCELLANEOUS

- ☐ Common Law/Statutory Arbitration
☐ Declaratory Judgment
☐ Mandamus
☐ Non-Domestic Relations Restraining Order
☐ Quo Warranto
☐ Replevin
☐ Other: _____

PROFESSIONAL LIABILITY

- ☐ Dental
☐ Legal
☐ Medical
☐ Other Professional: _____

EJ

IN THE COURT OF COMMON PLEAS OF DELAWARE COUNTY, PENNSYLVANIA

PNC Mortgage, a division of PNC Bank
National Association

CIVIL DIVISION

NO.

COMPLAINT IN EJECTMENT

Plaintiff,

Code: EJECTMENT

vs.

Filed on behalf of
Plaintiff

Pleasant L. Hailey and/or Tenant/Occupant

Counsel of record for this
party:

Defendants.

Louis P. Vitti, Esquire
Supreme Court #01072

Vitti and Vitti and Assoc., P.C.
215 Fourth Avenue
Pittsburgh, PA 15222

(412) 281-1725

COMPLAINT IN EJECTMENT

NOTICE

YOU HAVE BEEN SUED IN COURT. IF YOU WISH TO DEFEND AGAINST THE CLAIMS SET FORTH IN THE FOLLOWING PAGES, YOU MUST TAKE ACTION WITHIN TWENTY (20) DAYS AFTER THIS COMPLAINT AND NOTICE ARE SERVED, BY ENTERING A WRITTEN APPEARANCE PERSONALLY OR BY THE ATTORNEY AND FILING IN WRITING WITH THE COURT YOUR DEFENSES AND OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. YOU ARE WARNED THAT IF YOU FAIL TO DO SO THE CASE MAY PROCEED WITHOUT YOU AND A JUDGMENT MAY BE ENTERED AGAINST YOU BY THE COURT WITHOUT FURTHER NOTICE FOR ANY MONEY CLAIMED IN THE COMPLAINT OR FOR ANY OTHER CLAIM OR RELIEF REQUESTED BY THE PLAINTIFF. YOU MAY LOSE MONEY OR PROPERTY OR OTHER RIGHTS IMPORTANT TO YOU.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU SHOULD NOT HAVE A LAWYER, OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ON AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

**LAWYERS REFERENCE SERVICE
FRONT & LEMON STREETS
MEDIA, PA 19063**

(610) 566-6625

FILED

2012 AUG -6 AM 11: 37

OFFICE OF
JUDICIAL SUPPORT
DELAWARE CO. PA.

IN THE COURT OF COMMON PLEAS OF DELAWARE COUNTY, PENNSYLVANIA
CIVIL DIVISION

PNC Mortgage, a division of PNC Bank
National Association

Plaintiff.

Pleasant L. Hailey, Jr. and/or Tenant/Occupant

Defendants.

)

)No.

)

)

)

)

)

)

12.06714

COMPLAINT IN EJECTMENT

AND NOW, comes the above-captioned Plaintiff, by and through its counsel, Vitti & Vitti & Associates, P.C. and Louis P. Vitti, Esquire, who files this Complaint in Ejectment as follows:

1. The Plaintiff is a National Banking Association having a principal place of business located at 3232 Newmark Drive, Miamisburg, OH 45342 .
2. The Defendant(s) are individuals, sui juris, whose last known address was 1128 Mulberry Street, Brookhaven, PA 19015.
3. On the 4th day of September, 2008, the Plaintiff or its predecessor in title lent to Defendant(s) and/or their predecessor(s) in title, the sum of Seventy-One Thousand Fifty and 00/100 (\$71,050.00) Dollars, and in consideration thereof, the Defendant(s) and/or their predecessor(s) in title, executed a mortgage which was recorded on September 12, 2008, in the Office of the Recorder of Deeds of Delaware County in Mortgage Book Volume 04430, page 1985.
4. The premises secured by the mortgage (hereinafter "the Property") are described in the document that is attached hereto, made a part hereof, and called Exhibit "A".

5. The mortgage provides that, in the event of default, the holder thereof has the rights, inter alia, to take possession of the Property and to foreclose the mortgage.

6. Since September , 2009, the mortgage has been in default by reason of the failure of the mortgagor(s) to make appropriate payments.

7. An action in mortgage foreclosure was instituted in the Court of Common Pleas of Delaware County at No. 10-6786, and ultimately a sheriff's sale of the Property -- at which Plaintiff or its predecessor in title was the successful bidder -- occurred on April 20, 2012.

8. By deed dated May 18, 2012 and recorded May 25, 2012 in the Recorder's Office of Delaware County in Deed Book Volume 05121, page 1495, the sheriff conveyed the property to Plaintiff PNC Mortgage, a division of PNC Bank National Association .

9. Plaintiff, PNC Mortgage, a division of PNC Bank National Association, has the right to immediate possession of the Property.

10. Defendant(s) and/or all other occupants continue to occupy the Property.

11. Any alleged claim of Defendant(s) to possession of the Property is as or through the owner(s)/mortgagor(s) described in Paragraph 3 hereof.

WHEREFORE, Plaintiff prays Your Honorable Court enter Judgment in favor of the Plaintiff, PNC Mortgage, a division of PNC Bank National Association, for sole possession of the Property and vesting the title of said premises in the Plaintiff.

Respectfully submitted,

VITTI & VITTI & ASSOCIATES, P.C.

By:



Louis P. Vitti, Esquire
Attorney for Plaintiff

VERIFICATION

AND NOW Louis P. Vitti verifies that the statements made in this Complaint in Ejectment are true and correct to the best of his knowledge, information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. 4904, relating to unsworn falsification to authorities.

By virtue of the fact that the Plaintiff is outside the jurisdiction of the court and the verification cannot be obtained within the time allowed for the filing of this pleading, the pleading is submitted by counsel having sufficient knowledge, information and belief based upon the information provided him by the Plaintiff.

A handwritten signature in black ink, appearing to read "Louis P. Vitti", written over a horizontal line.

Louis P. Vitti

Dated: August 1, 2012